

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CALIFORNIA EXPANDED
METAL PRODUCTS COMPANY,
et al.,

Plaintiffs.

V.

JAMES A. KLEIN, et al.,

Defendants.

CASE NO. C18-0659JLR

ORDER ADOPTING REPORT AND RECOMMENDATION

Defendants.

Before the court is a Report and Recommendation (“R&R”) issued by Special Master Mark Walters on non-party Seal4Safti, Inc.’s (“S4S”)¹ motion requesting a briefing schedule for motions to strike or exclude expert testimony submitted in declarations and written reports from three witnesses offered by Plaintiffs California

¹ S4S is not a party to the underlying litigation, but it was added to these contempt proceedings on September 1, 2021, based on a finding by the court that it was “legally identified” with Defendant Safti-Seal, Inc. (9/1/21 Order (Dkt. # 251).)

1 Expanded Metal Products (“CEMCO”) and Clarkwestern Dietrich Building Systems LLC
2 (“ClarkDietrich”) (collectively “Plaintiffs”) in support of their motion for contempt
3 submitted to the Special Master on September 8, 2021. (R&R (Dkt. # 256) at 1; Mot. for
4 Briefing Schedule (Dkt. # 252).) Pursuant to Federal Rule of Civil Procedure 53(f), the
5 court must decide de novo all objections to the findings of fact or conclusions of law
6 made or recommended by a special master. Fed. R. Civ. P. 53(f)(3)-(4). Here, none of
7 the parties objected to any of Mr. Walters’s recommendations. (See Dkt.) The court has
8 reviewed Mr. Walters’s R&R in accordance with Federal Rule of Civil Procedure 53(f),
9 all of the parties’ submissions related to the report and recommendation, the relevant
10 portions of the record, and the applicable law. Having done so, the court finds Mr.
11 Walters’s analysis persuasive in light of the record and independently reaches the same
12 conclusions for the reasons articulated by Mr. Walters.

13 Accordingly, the court ADOPTS the R&R in its entirety (Dkt. # 256) and DENIES
14 S4S’s motion requesting a briefing schedule for motions to strike or exclude expert
15 testimony (Dkt # 252). The court EXTENDS the noting date for Plaintiffs’ motion for
16 contempt to October 15, 2021. All oppositions to that motion shall be filed no later than
17 Monday, October 11, 2021, and all replies shall be filed no later than October 15, 2021.
18

19 Dated this 30th day of September, 2021.

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21 _____
22 JAMES L. ROBART
United States District Judge